



Docket No.: SON-1905  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Takaharu Kitada

Application No.: 09/665,667

Confirmation No.: 5559

Filed: September 20, 2000

Art Unit: 2876

For: INFORMATION PROCESSING SYSTEM,  
HAND HELD CELLULAR PHONE, AND  
INFORMATION PROCESSING METHOD

Examiner: K. D. Nguyen

**PETITION UNDER 37 C.F.R. § 1.181**

MS RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant, through its undersigned attorney, hereby petitions to withdraw the holding of abandonment in this case.

A Notice of Abandonment was mailed in the above-identified application on March 28, 2007.

The Notice of Abandonment contends that the above-identified application had become abandoned for failure to timely file a proper reply to the decision by the Board of Appeals and Interferences rendered on February 16, 2007 and because the period for seeking court review of the decision has expired and there are no allowed claims.

Accordingly, this Petition pursuant to 37 C.F.R. §1.181 is proper.

**Argument**

The mailing of the Notice of Abandonment is traversed at least for the following reasons.

A Decision on Appeal has been mailed in the above-identified application on February 16, 2007.

U.S. patent practice and procedures dictate that *the date of termination of proceedings on an application is the date on which the appeal is dismissed or the date on which the time for appeal to the U.S. Court of Appeals for the Federal Circuit or review by civil action (§ 1.304) expires in the absence of further appeal or review.* 37 C.F.R. §1.197(b)(2).

U.S. patent practice and procedures further dictate that *the time for filing the notice of appeal to the U.S. Court of Appeals for the Federal Circuit (§ 1.302) or for commencing a civil action (§ 1.303) is two months from the date of the decision of the Board of Patent Appeals and Interferences.* 37 C.F.R. §1.304(a)(1).

However, **no dismissal** of the appeal is found within the above-identified application.

Moreover, the mailing on March 28, 2007 of Notice of Abandonment is **within** two months from the date of the decision of the Board of Patent Appeals and Interferences and **prior to** the expiration of the time for appeal to the U.S. Court of Appeals for the Federal Circuit or review by civil action.

Accordingly, the mailing on March 28, 2007 of Notice of Abandonment is **premature**.

**Relief**

Upon this Petition and in view of the evidence submitted, **withdrawal of the Notice of Abandonment of March 28, 2007** is respectfully requested.

**Fee**

**No fee** is believed required to support this Petition. See 37 C.F.R. §1.181.

However, if any fee is required or any overpayment made, the Commissioner is hereby authorized to charge the fee or credit the overpayment to Deposit Account # 18-0013.

Dated: April 16, 2007

Respectfully submitted,

By 

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